

PATENT

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(Practitioner's Docket No. IN-5443)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

DUSCHEK et al.

Serial No.: 09/743,049

Filed: 01/04/2001



For: METHOD FOR DETERMINING  
DIRECTION-DEPENDENT  
PROPERTIES OF ENAMELS

Group Art Unit: Not Assigned

Examiner: Not Assigned

I hereby certify that the attached correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on February 8, 2001.

*Marjorie Ellis*  
Marjorie Ellis

ENGLISH TRANSLATION OF THE INTERNATIONAL  
PRELIMINARY EXAMINATION REPORT

Hon. Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International Preliminary Examination Report for the above- mentioned application.

Applicant believes that no fee is required. However, if applicant has inadvertently overlooked the need for a fee the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 23-3425.

This form is submitted in triplicate.

Respectfully Submitted,

*Mary E. Golota*  
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Translation

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PAT 98893 PCT</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/EP99/04497</b>	International filing date (day/month/year) <b>30 June 1999 (30.06.99)</b>	Priority date (day/month/year) <b>09 July 1998 (09.07.98)</b>
International Patent Classification (IPC) or national classification and IPC <b>G01J 3/46, G01B 11/30, G01N 21/57</b>		
Applicant <b>BASF COATINGS AG</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of        sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand <b>14 January 2000 (14.01.00)</b>	Date of completion of this report <b>19 October 2000 (19.10.2000)</b>
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/04497

## I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

- ☐ the international application as originally filed.
- ☒ the description, pages 1-6, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. 1-7, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/fig 1/2-2/2, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(e)).

4. Additional observations, if necessary:

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims		YES
	Claims	1 - 7	NO
Inventive step (IS)	Claims		YES
	Claims	1 - 7	NO
Industrial applicability (IA)	Claims	1 - 7	YES
	Claims		NO

## 2. Citations and explanations

## 1. Reference is made to the following documents:

D1: DE-C-196 11 062

D2: US-A-5 500 274.

## 2. INDEPENDENT CLAIM 1

D1 (column 3, lines 1 to 65; column 6, lines 40 to 65; column 10, lines 5 to 55) represents the closest prior art and discloses all the features of Claim 1.

Column 3 explains in particular how two layers with layer thickness gradients disposed at right-angles to each other are applied. One or more coating layer surface properties influencing the visual impression are measured on a test sheet at various measuring points distributed over the surface. The two layers are wedge-shaped and lie transversely relative to each other - according to this geometry two points of the same overall thickness but different signs lie on a diagonal path. Therefore at least one overall layer thickness of the test coating with different layer thickness gradients is measured twice using a grid-like measuring path over the

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

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mutually transverse layers.

D2 (columns 7-8) discloses the measuring of the optical density of a coating layer comprising two regions of equal thickness but with different signs along a test path.

Therefore, in light of D1 or D2, Claim 1 does not meet the novelty requirement (PCT Article 33(2)).

**3. DEPENDENT CLAIMS 2 TO 7**

The additional features in the following dependent claims are known from the prior art:

Claims 2, 3, 4 and 5: see D1, D2;

Claims 5 and 7: see D1;

Claim 6: see D2.

Therefore Claims 2 to 7 also do not meet the novelty requirement (PCT Article 33(2)).